

1 NICHOLAS A. TRUTANICH
2 United States Attorney
3 District of Nevada
4 Nevada Bar No. 13644

5 BRIANNA SMITH
6 Assistant United States Attorney
7 Nevada Bar No. 11795
8 501 Las Vegas Boulevard, South, Suite 1100
9 Las Vegas, Nevada 89101
10 Telephone: 702-388-6336
11 Brianna.Smith@usdoj.gov

12 *Attorneys for the United States*

13 **UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA**

15 Melvin V. Feavel,

16 Plaintiff,

17 v.

18 United States of America; DOES 1 through
19 10; ROE CORPORATIONS 11 through 20,
20 inclusive,

Defendant.

Case No. 2:19-cv-01305-GMN-EJY

**Stipulation to Amend Discovery Plan
(Fifth Request)**

16 Pursuant to Local Rules IA 6-1 and 26-4, Brianna Smith, Assistant United States
17 Attorney, on behalf of Defendant United States of America, and Christian N. Griffin, Esq.,
18 on behalf of Plaintiff Melvin V. Feavel, submit the following Stipulation to Amend
19 Discovery Plan to extend the discovery deadlines an additional 60 days. This is the fifth
20 request.

21 **A. Discovery Completed:**

22 The parties have exchanged initial and supplemental Fed. R. Civ. P. 26 disclosure
23 statements. The United States has served and received responses to its a first set of
24 interrogatories and requests for production on Plaintiff. Plaintiff has also served discovery
25 responses which the United States has responded to. Additionally, several fact depositions
26 have taken place including the plaintiff and two former VA employees. Plaintiff's expert has
27 also performed an inspection of the subject VA bus.

1 **B. Discovery Remaining:**

2 The parties may conduct additional fact witness depositions. Defendant may also
3 request an IME of Plaintiff. The parties may also inspect the scooter and Defendant seeks to
4 have an expert inspect the VA bus. Additionally, the parties will designate and depose
5 retained and non-retained experts.

6 **C. Need for Extension of Discovery Plan:**

7 Discovery had been proceeding in the usual course, with incidental delays due to
8 COVID-19. In early December, Defendant's counsel experienced a medical emergency and
9 has had a prolonged recovery through present. As a result, the parties have agreed to extend
10 deadlines for an additional 60 days.

11 **D. Proposed New Discovery Schedule:**

12 **1. Discovery Cutoff date:** Discovery cutoff currently scheduled for March 31, 2021,
13 will be **May 31, 2021**.

14 **2. Amend pleadings:** Closed.

15 **3. Expert Disclosures:** Initial expert disclosures currently due February 1, 2021,
16 shall be served by **April 1, 2021**; and Rebuttal expert disclosures currently due February 28,
17 2021, will be served by **April 28, 2021**.

18 **4. Dispositive Motions:** Dispositive motions currently due **May 1, 2021** shall be
19 filed by **June 30, 2021**, which is 30 days after discovery cutoff.

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 **5. Pretrial Order:** A Joint Pretrial Order shall be filed by **July 30, 2021**, which is 30
2 days after the deadline for filing dispositive motions. However, if any dispositive motions
3 are filed, then the Joint Pretrial order shall be due 30 days after decision on such motion(s).
4 Disclosures under Fed. R. Civ. P. 26(a)(3) and any objections thereto shall be included in
5 the Joint Pretrial order.

6 Respectfully submitted this 14th day of January 2021.

7 HARRIS HARRIS LAWYERS

8 /s/ Christian N. Griffin
9 Christian N. Griffin, Esq.
10 1645 Village Center Circle, Suite 60
 Las Vegas, Nevada 89134

11 *Attorneys for Plaintiff*

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Brianna Smith
BRIANNA SMITH
Assistant United States Attorney

Attorneys for Defendant

14 IT IS SO ORDERED:

15 
16 UNITED STATES MAGISTRATE JUDGE

17 DATED: January 14, 2021